



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Confirmation No. 1588

ZLOKOVIC et al.

Atty. Ref.: 4061-32

Serial No. 10/529,748

T.C. / Art Unit: 1649

Filed: March 30, 2005

Examiner: D.E. Kolker

FOR: PROTEIN S PROTECTS THE NERVOUS SYSTEM FROM INJURY

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### STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

January 15, 2010

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

With regard to the Interview Summary dated December 15, 2009, the following is Applicants' statement of the substance of the interview as required by the Examiner.

The undersigned discussed the arguments made September 9, 2009 as they relate to the Section 103(a) rejection of the present claims over Bertilsson et al. (US 2003/0165485) in view of Hung (US 2003/0060415). Although the Examiner considers Applicants' claims only to require administering human protein S to a patient, the undersigned replied that the evidence of record failed to teach or make obvious that protein S would have the effect(s) on the patient that are required by the claims: e.g., to provide neuroprotection after brain injury caused by at least cerebral ischemia, hypoxia, re-oxygenation, or a combination thereof; to treat neurotrauma; or to treat stroke.

Further, there is no reasonable expectation found in Bertilsson and Hung that either neuroprotection of cells or their effective treatment after neurotrauma and stroke

would be achieved in a patient without also administering protein C or activated protein C. Here, the evidence of record failed to teach or make obvious a negative limitation (i.e., "no protein C or activated protein C is administered") of Applicants' claims.

No agreement was reached between the undersigned and the Examiner.

The Examiner is invited to contact the undersigned if any further information is required to complete the record of the substance of the interview.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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